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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

CYPRUS

1. The Committee considered the third periodic report of Cyprus on the implementation of the Covenant (E/1994/104/Add.12), along with the written replies to the list of questions, at its 34th, 35th and 36th meetings, held on 18 and 19 November 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Cyprus (E/1994/104/Add.12), which it found to conform generally to its guidelines on the preparation of reports. The Committee also expresses appreciation for the submission of comprehensive written replies to its list of issues, as well as for the additional information presented by the delegation during the dialogue. It regrets, however, that the report did not contain sufficient information on obstacles and problems faced in the implementation of the Covenant.

B. Positive aspects

3. The Committee welcomes the status accorded to international legal instruments, including the Covenant, in the legal order and appreciates the fact that they are superior to national law in the legal hierarchy. It notes that the provisions of the Covenant can be invoked directly by individuals before the courts.

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* At the 55th meeting (nineteenth session), held on 3 December 1998.

4. The Committee commends the efforts of the Government in continuing to provide services, such as electricity supply and payment of pension benefits, to the population living in the part of the island that it does not control.

5. The Committee welcomes the recent establishment of the National Institution for Human Rights, as an independent body consisting of members appointed from the public and private sectors. The Committee notes, however, that the Institution has not been formally promulgated in law and that its independence has not been guaranteed.

6. The Committee takes note, with satisfaction, of the efforts to include human rights in school and university curricula, as well as the activities being carried out in the country to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights.

7. The Committee welcomes the abrogation of the provisions of the Penal Code criminalizing homosexual acts.

8. The Committee also takes note with satisfaction of the delegation's statement that the report has been widely publicized among governmental and non-governmental bodies.

9. The Committee welcomes the appointment of an advisory committee for the purpose of preventing violence in the family and for providing subsidies to the non-governmental organization "Association for the Prevention and Confrontation of Domestic Violence".

C. Factors and difficulties impeding the implementation of the Covenant

10. The continuing partition of Cyprus hinders the ability of the State Party to exercise control over its entire territory and, consequently, to ensure the implementation of the Covenant throughout the country.

D. Principal subjects of concern

11. The Committee is concerned that no information is available on the enjoyment of economic, social and cultural rights by the Cypriot population living in the area that is not controlled by the Government.

12. The Committee is concerned at the continued existence of discrimination between men and women, including inequalities in, among other things, professional opportunities, wages and salaries for work of equal value (especially in the private sector), protection under social security, the transmission of nationality to children and the conferment of refugee status on children (only children of displaced men are so treated). This appears to be caused by structural and cultural factors.

13. Domestic workers enjoy little protection against being forced to work unduly long hours. The State Party appears not to provide adequate protection against repressive and exploitative measures directed at prostitutes. Such

persons are particularly vulnerable because of their fear of retribution from their employers. Moreover, the Committee notes the tendency of the State Party to underestimate the problems.

14. The Committee notes with concern that the legal minimum wage does not guarantee an adequate standard of living in the sense of articles 7 (a) (ii) and 11 of the Covenant, especially with regard to shop assistants, nurses, clerks, nursery assistants, etc.

15. The Committee expresses its serious concern at the incidence of domestic violence against women and children in Cypriot society. The continuation of this situation calls into question whether the State party has made its best efforts to comply with its obligations under articles 10 and 12 of the Covenant. In particular, the Government appears to have failed to adopt an adequate prevention policy, to enforce fully the existing legislative measures to combat violence in the family and to assist victims of such violence.

16. The Committee is alarmed by the allegations of inhuman or degrading treatment of mentally ill patients in some health institutions. It stresses that such a situation constitutes a serious violation of the State Party's obligations under articles 2 and 12.

17. The Committee further notes that there are many bills and other measures concerning economic, social and cultural rights which are awaiting Parliamentary or Cabinet approval, or implementation by other official bodies, and calls upon the State Party to speed the process up in order to meet obligations existing under the Covenant.

E. Suggestions and recommendations

18. The Committee recommends that the recently established National Institution for Human Rights be promptly promulgated in law and that its independence be guaranteed.

19. The Committee recommends that the State Party intensify its efforts to guarantee the equal enjoyment by men and women of their economic, social and cultural rights, in particular:

(a) By engaging in a large-scale public awareness campaign to eradicate social prejudices concerning gender roles;

(b) By taking all necessary steps to guarantee fully the principle of equal pay for work of equal value, in particular in the private sector of the economy;

(c) By promulgating the draft regulations concerning the employment and working conditions of pregnant women and nursing mothers and ensuring that they comply with the Covenant;

(d) By abrogating the discriminatory provisions of the social security legislation;

(e) By enacting the bill aimed at abolishing discrimination in the acquisition and transmission of nationality.

20. The Committee urges the State Party to take all the necessary steps to improve understanding of the nature and scope of the problems faced by domestic workers, with a view to implementing fully existing laws. The Committee emphasizes the necessity:

(a) To initiate campaigns to raise awareness of this issue among trade unions, women's organizations and communities in Cyprus to which the domestic workers belong;

(b) To improve the system of complaints concerning abuse, with a view to protecting fully the rights of complainants.

21. The Committee also urges the State Party to monitor more closely the phenomenon of forced prostitution in Cyprus, with a view to rescuing victims who are trapped or forced into it and to protecting their rights under the Covenant.

22. The Committee recommends that the State Party endeavour to take steps to review the existing minimum wage level, in order fully to comply with its obligations under article 11 of the Covenant.

23. The Committee recommends that the State Party adopt an appropriate policy to prevent and tackle the problem of domestic violence against women and children in all its complexity and requests that the next periodic report contain information on measures adopted to deal with it. In this connection, the Committee urges the State Party to financially assist the non-governmental organization "Association for the Prevention and Confrontation of Domestic Violence" to set up, as soon as possible, its proposed women's shelter.

24. While taking note of the delegation's statement that the situation as regards the treatment of mentally-ill people "has improved dramatically", the Committee emphasizes the need for the State Party to review thoroughly its health policy towards those patients in order best to address all their needs and protect all their human rights.

25. The Committee requests the State party to include in its next periodic report comprehensive information on the extent of drug-addiction in Cyprus and to indicate whether the bill on narcotic drugs and psychotropic substances now before Parliament has been passed into law, and also to assess the workings of the anti-narcotic/therapeutic units proposed under the bill, when it has passed into law.

26. The Committee recommends that bills and proposed regulations should be speedily submitted for Parliamentary or Cabinet approval, in order to enhance effective application of the Covenant. Such bills and proposals include:

(a) The proposed law relating to marriage, divorce and family courts;

(b) A bill to regulate the rights of asylum seekers;

(c) A bill to amend the relevant law with respect to the nationality of a child born to a Cypriot woman;

(d) A draft law to regulate the right to strike, to ensure that it conforms fully with ILO Convention No. 87;

(e) A bill entitled "National Health System" which has been before the Cabinet for approval since 1996.

27. Lastly, the Committee requests the State Party to ensure the wide dissemination in Cyprus of the present concluding observations and to inform the Committee, in its fourth periodic report, of steps taken to implement the recommendations.